

(1) Claimant was injured on or about June 19, 1998 when he slipped and fell about ten feet from a roof. But claimant continued working for respondent until August 27, 1998 and immediately went to work for another employer doing the same type of work. He did not seek medical treatment until October 12, 1998. After an MRI revealed a herniated cervical disc, claimant was referred to neurosurgeon K. N. Arjunan, M.D., who performed a C5-6 discectomy on November 6, 1998.

(2) Before his surgery claimant never told any of the doctors or physical therapists that his neck, shoulder or arm symptoms were related to the June 1998 fall at work. To the contrary, claimant reported to the Minor Med clinic on October 12, 1998 that his pain started just six days earlier. The physical therapy records dated October 15, 1998 reflect that claimant said his neck and right arm started hurting on October 6, 1998 "for no apparent reason." And Dr. Arjunan reported that claimant told him on October 30 "there was no antecedent trauma."

CONCLUSIONS OF LAW

Claimant now attributes his neck and right-sided symptoms to his June 1998 fall that occurred while working for respondent. But he presents no medical evidence relating his symptoms to that work-related injury. To the contrary, there is evidence in the medical records refuting such a causal connection.

Because of the consistent histories claimant gave to the health care providers of no known trauma and a recent onset of symptoms, the Appeals Board finds that claimant has failed to carry his burden of proving his entitlement to the requested benefits. Based upon the record compiled to date, the Administrative Law Judge's denial of an award for preliminary benefits should be affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the January 20, 1999, Order Denying Compensation by Administrative Law Judge Bryce D. Benedict should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 1999.

BOARD MEMBER

c: Paul D. Post, Topeka, KS
Bret C. Owen, Topeka, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director